

BLUE CROSS AND BLUE SHIELD  
OF KANSAS CITY,

Plaintiff,

V.

GS LABS LLC,

Defendant.

Case No. 21-cv-00525-FJG

## ORDER

In advance of the upcoming discovery dispute teleconference and to help narrow the issues, the Court would like the parties to address the following questions. Counsel shall file their responses to the following questions on or before **Monday February 7, 2022 at 3:00 p.m.** The responses shall not exceed four double-spaced pages.

The questions the parties shall address are as follows:

1. On December 17, 2021 Blue KC offered to produce its policies and procedures subject to the Protective Order. Does GS Labs contend that the policies and procedures are not confidential? If so, state the reason. What is GS Labs' objection to waiving its right to contest the confidentiality of these documents?
2. Why did Blue KC ask GS Labs to withdraw the rest of its discovery related to these policies and procedures? Would Blue KC be willing to respond to the discovery if the documents were produced subject to a protective order?

3. Why does GS Labs believe that these policies and procedures are within the scope of discovery? How specifically do these policies and procedures relate to GS Labs' claims and/or defenses?
4. What information does GS Labs believe Dr. Sweat can provide regarding the policies and procedures in question?
5. What topics does GS Labs intend to ask Dr. Sweat? Why does GS Labs believe that it is necessary to have these policies/procedures produced before his deposition?
6. In Blue KC's Rule 26(a)(1) Disclosures, it references that Dr. Sweat would provide information regarding Blue KC's policies & practices. Specifically, what policies and practices is this a reference to and how does it differ from what the defendant is requesting?

Date: February 4, 2022  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge